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EXTRAORDINARY

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GOVERNMENT OF KERALA

LAW DEPARTMENT

NOTIFICATION

No. 11330-b. 2/62/Law *Dated, Trivandrum, 8th November 1962*

The following Ordinance promulgated by the President and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 30th October 1962, is hereby republished for general information.

By order of the Governor,
P. UNNIKRISHNA KURUP,
Additional Law Secretary.

THE FOREIGNERS LAW (APPLICATION AND AMENDMENT) ORDINANCE, 1962

No. 5 OF 1962

PROMULGATED BY THE PRESIDENT IN THE THIRTEENTH YEAR OF THE REPUBLIC OF INDIA.

An Ordinance to apply the Registration of Foreigners Act, 1939 *and the Foreigners Act*, 1946 *to certain persons to whom they do not at present apply and further to amend the Foreigners Act*, 1946.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Foreigners Law (Application and Amendment) Ordinance, 1962.

(2) It shall be deemed to have come into force on the 26th October, 1962.

2. *Application of Act* 16 *of* 1939 *and Act* 31 *of* 1946 *to certain persons.*—Notwithstanding anything contained in any other law for the time being in force, the provisions of the Registration of Foreigners Act, 1939 (16 of 1939) and the Foreigners Act, 1946, (31 of 1946) and of the rules and orders made thereunder shall apply to and in relation to any person not of Indian origin who was at birth a citizen or subject of any country at war with, or committing external aggression against, India or of any other country assisting the country at war with or committing such aggression against India, as they apply to and in relation to foreigners as defined for the purposes of those Acts.

Explanation.—For the purposes of this section, a person not of Indian origin means a person other than a person of Indian origin within the meaning of the *Explanation* to sub-section (1) of section 5 of the Citizenship Act, 1955 (57 of 1955).

3. *Amendment of Act* 31 *of* 1946.—In the Foreigners Act, 1946,—

(*a*) in section 3, after clause (*f*) of sub-section (2), the following clause shall be inserted, namely:—

"(*g*) shall be arrested and detained or confined;";

(*b*) in section 4,—

(*i*) before sub-section (2), the following sub-section shall be inserted, namely:—

"(1) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (*g*) of sub-section (2) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Central Government may from time to time by order determine.";

(*ii*) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

"(3) No person shall—

(*a*) knowingly assist an internee or a person on parole to escape from custody or the place set apart for his residence, or knowingly harbour an escaped internee or person on parole, or

(*b*) give an escaped internee or person on parole any assistance with intent thereby to prevent hinder or interfere with the apprehension of the internee or the person on parole.

(4) The Central Government may, by order, provide for regulating access to, and the conduct of persons in, places in India where internees or persons on parole are detained or restricted, as the case may be, and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees or persons on parole therein of such articles as may be prescribed."

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